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Of Attorneys for Debtor-in-Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re) Case No. 16-30406-rld11
)
SeaPort Airlines, Inc.,) APPLICATION FOR AUTHORITY TO
) EMPLOY PROFESSIONAL Special Counsel -
) Barran Liebman LLP (Nelson D. Atkin, II)
Debtor-in-Possession.)

Pursuant to 11 U.S.C. §327 and Bankruptcy Rule 2014, SeaPort Airlines, Inc., (“Debtor”) makes application to the court for authority to employ the law firm of Barran Liebman LLP (Nelson D. Atkin, II) 601 SW 2nd Ave., Ste. 2300, Portland, OR, Phone: (503) 276-2113 (the “Professional”) as the estate’s special counsel to advise Debtor on employment issues, including (as a precaution) defense of an OSHA complaint filed by Robert McKinney (Debtor’s former President) alleging constructive termination, which is denied by Debtor. Debtor is investigating whether Debtor’s insurance carrier will provide a defense for the OSHA complaint, including defense counsel and/or defense costs, but Debtor needs to employ counsel in the event the tender is denied. The defense of the OSHA complaint requires retention of a lawyer with expertise in defending such types of complaints, which is an expertise possessed by the selected Professional. In support of

this application, Debtor represents:

1. On February 5, 2016 (the "Petition Date), Debtor filed a petition under Chapter 11 of the United States Bankruptcy Code.
2. Debtor wishes to employ the Professional as its special counsel in this proceeding.
3. Debtor has selected Professional for the reason that Professional has substantial experience in the area of employment law.
4. To the best of Debtor's knowledge, the Professional has no connection with the creditors or any other adverse party or its attorneys, except as disclosed in the Rule 2014 Verified Statement on file herein.
5. To the best of Debtor's knowledge the Professional represents no interest adverse to Debtor or the estate, except as disclosed in the Rule 2014 Verified Statement on file herein.
6. Compensation shall be set by the court in accordance with 11 U.S.C. §330. The proposed rate of compensation, subject to final court approval, is the customary, hourly rates in effect when services are performed by the attorneys, legal assistants and staff who provide services to the Debtor-in-Possession. The current hourly rates are as follows:

Name	Hrly Rate
Nelson D. Atkin II, Partner	\$350
Tyler J. Volm, Associate	\$275
Leah Aldred, Paralegal	\$150

These hourly rates are subject to periodic adjustment to reflect economic conditions and increased experience and expertise. Professional's fees are estimated at \$5,250.00 for

general labor matters for approximately the next six months. Professional fees for defending the OSHA complaint, if necessary, are estimated at an additional \$5,000 for the next 6 months. Compensation shall not exceed \$5,250.00 for general labor matters, nor exceed \$5,000 for defense of the OSHA complaint, without further application to the Court.

7. Attached as **Exhibit A** is a copy of the Professional's curricula vitae which shows the qualifications of the Professional to perform the services required to be performed on behalf of the Debtor.

WHEREFORE, Debtor prays that Debtor be authorized to employ and appoint Professional as special counsel to Debtor-in-Possession in this proceeding under Chapter 11 of the Bankruptcy Code.

DATED: April 13, 2016

Respectfully submitted;

VANDEN BOS & CHAPMAN, LLP

By:/s/Robert J Vanden Bos

Robert J Vanden Bos, OSB #78100

Douglas R. Ricks, OSB #044026

Christopher N. Coyle, OSB #07350

Of Attorneys for Debtor-in-Possession



NELSON D. ATKIN II

PARTNER

503-276-2150

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Portland, OR 97204

Email [vCard](#)

Nelson Atkin is a founding Partner of Barran Liebman and has been practicing labor and employment law since graduating, *cum laude*, from Syracuse University College of Law in 1974. Nelson excels in traditional labor law, representing employers in union organizing, unfair labor practice charges, and collective bargaining. He is also a leader in advising clients on the Family Educational Rights & Privacy Act (FERPA). A former chair of the Oregon State Bar, Labor and Employment Law section, Nelson has also been an active member of the American Bar Association's section of the Labor and Employment Law Committee on the Development of the Law under the NLRA since 1972. He is both an associate editor and a primary chapter editor of the *Labor Law Treatise* written by the committee. Nelson was elected by his national colleagues to the College of Labor and Employment Lawyers for his sustained outstanding performance in the profession. On a pro bono basis, he has represented the Portland Opera since 1983, the Oregon Symphony since 1990, and the Oregon Ballet Theater and Oregon Children's Theater since 1997. Since 2006, Nelson has been named a top lawyer in Oregon by *Super Lawyers*. In 2008, he was chosen to receive the Management Practitioner Award by the Labor and Employment Relations Association (LERA), Oregon Chapter.

REPRESENTATIVE MATTERS

- Counsel to McKenzie Manor Nursing Home following organization by SEIU. Planned and executed a strategy which led to union disclaimer of interest following an illegal strike
- Chief negotiator for Albertina Kerr Centers (Marion and Lane Counties) in negotiations with AFSCME Council 75
- Counsel to Roseburg Forest Products Co. during repeated contract negotiations including successful defeat of all unfair labor practice charges relating to a 119-day strike



Ron Symphony, Portland Opera, Oregon Ballet Theater, and
tract negotiations with American Federation of Musicians,
American Guild of Musical Artists, and stage hands (IATSE)

- Repeated representation of Pacific Northwest Regional Blood Service (Red Cross) in contract negotiations with Oregon Nurses Association, and Teamsters Local 223

PROFESSIONAL EXPERIENCE AND AFFILIATIONS

- Syracuse University Law Alumni Association: Board of Directors (2015-present)
- Portland Opera: Board of Directors (2015-present)
- College of Labor and Employment Lawyers: Fellow of College (Inducted 2001); Regional Board for the 9th Circuit-North, Member (2010-present)
- American Bar Association: Labor & Employment Section, Committee on Development of the Law Under the National Labor Relations Act; Associate Editor, Primary Chapter Editor, and Contributing Editor of The Developing Labor Law (1972-present)
- Oregon State Bar: Labor & Employment Law Section, Executive Committee (1981-1997); Treasurer (1997-1998); Secretary (1998-1999); Chair-Elect (1999-2000); Chair (2001)
- Oregon Symphony: Board of Directors (1992-1999, 2009-present)
- Portland State University: Employee and Labor Relations Course, Instructor (2007-2011)

HONORS

- Listed in Oregon Super Lawyer Magazine (2006-2007, 2012-present)
- Portland Opera: Aubrey N. Morgan Award (2014)
- Labor and Employment Relations Association (LERA), Oregon Chapter: Management Practitioner Award (2008)
- Labor Relations Ink: Top One Hundred Labor Attorneys (2007)
- Received AV® Preeminent™ rating by his legal peers at Martindale-Hubbell

REPRESENTATIVE PRESENTATIONS

- Lewis & Clark Law School Employment Law Society: "Legislative Update," Presenter (9/19/15)
- "A Day in the Life of a Labor & Employment Lawyer," Moderator (4/3/2011)
- American Bar Association Committee on the Development of the Law Under the National Labor Relations Act 2011 Midwinter Meeting, Lanai, Hawaii: "Neutrality & Card Check Recognition," Presenter (3/1/11)
- Pacific NW Paralegal Association: "Wage and Hour Laws and Issues," Presenter (11/28/07)
- Portland State University Professional Development Center: "Employee & Labor Relations Course," Instructor (2007 – 2011)

Exhibit A - Page 2 of 3



- "Good News: Employer's At-Will Policy Withstands Review by NLRB's General Counsel," HR Answers' Advantage Newsletter, September 2014
- "Sick Leave Questions and Answers," Daily Journal of Commerce, November 22, 2013
- "Shazam! The National Labor Relations Act," HR Answers' Advantage Newsletter, May 2013
- "NLRB Offers Guidance on Maintaining Confidentiality during Workplace Investigations," Barran Liebman Electronic Alert, April 25, 2013
- "The Developing Labor Law," 6th Edition, Associate and Primary Chapter Editor, 2012
- "National Labor Relations Board Finds Rule Prohibiting Electronic Posting of Damaging Statements Illegal," Barran Liebman Electronic Alert, September 18, 2012
- "Court Requires Employers Must Provide Information to Union about Non-Bargaining Unit Employees," Barran Liebman Electronic Alert, August 31, 2012
- "EEO - Affirmative Action: Oregon," XpertHR.com, July 2012
- College of Labor & Employment Lawyers Newsletter, Summer 2002

Search Barran Liebman...

601 SW 2nd Avenue, Suite 2300, Portland, OR 97204 | Phone: 503.228.0500 | Fax: 503.274.1212

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re _____
Debtor(s))
) Case No. _____
)
) RULE 2014 VERIFIED STATEMENT
) FOR PROPOSED PROFESSIONAL

Note: To file an amended version of this statement per ¶19, file a fully completed amended Rule 2014 statement on LBF #1114 and clearly identify any changes from the previous filed version.

1. The applicant is not a creditor of the debtor except:
2. The applicant is not an equity security holder of the debtor.
3. The applicant is not a relative of the individual debtor.
4. The applicant is not a relative of a general partner of the debtor (whether the debtor is an individual, corporation, or partnership).
5. The applicant is not a partnership in which the debtor (as an individual, corporation, or partnership) is a general partner.
6. The applicant is not a general partner of the debtor (whether debtor is an individual, corporation, or partnership).
7. The applicant is not a corporation of which the debtor is a director, officer, or person in control.
8. The applicant is not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of the debtor.
9. The applicant is not a person in control of the debtor.
10. The applicant is not a relative of a director, officer or person in control of the debtor.
11. The applicant is not the managing agent of the debtor.
12. The applicant is not and was not an investment banker for any outstanding security of the debtor; has not been, within three years before the date of the filing of the petition, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale, or issuance of a security of the debtor; and is not and was not, within two years before the date of the filing of the petition, a director, officer, or employee of such an investment banker.
13. The applicant has read 11 U.S.C. §101(14) and §327, and FRBP 2014(a); and the applicant's firm has no connections with the debtor(s), creditors, any party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or any District of Oregon Bankruptcy Judge, except as follows:

14. The applicant has no interest materially adverse to the interest of the estate or of any class of creditors or equity security holders.
15. Describe details of all payments made to you by either the debtor or a third party for any services rendered on the debtor's behalf within a year prior to filing of this case:

16. The debtor has the following affiliates (as defined by 11 U.S.C. §101(2)). Please list and explain the relationship between the debtor and the affiliate:

17. The applicant is not an affiliate of the debtor.
18. Assuming any affiliate of the debtor is the debtor for purposes of statements 4-13, the statements continue to be true except (list all circumstances under which proposed counsel or counsel's law firm has represented any affiliate during the past 18 months; any position other than legal counsel which proposed counsel holds in either the affiliate, including corporate officer, director, or employee; and any amount owed by the affiliate to proposed counsel or its law firm at the time of filing, and amounts paid within 18 months before filing):

19. The applicant hereby acknowledges that he/she has a duty during the progress of the case to keep the court informed of any change in the statement of facts which appear in this verified statement. In the event that any such changes occur, the applicant immediately shall file with the court an amended verified statement on LBF #1114, with the caption reflecting that it is an amended Rule 2014 statement and any changes clearly identified.

THE FOLLOWING QUESTIONS NEED BE ANSWERED ONLY IF AFFILIATES HAVE BEEN LISTED IN STATEMENT 16.

20. List the name of any affiliate which has ever filed bankruptcy, the filing date, and court where filed:

21. List the names of any affiliates which have guaranteed debt of the debtor or whose debt the debtor has guaranteed. Also include the amount of the guarantee, the date of the guarantee, and whether any security interest was given to secure the guarantee. Only name those guarantees now outstanding or outstanding within the last 18 months:
22. List the names of any affiliates which have a debtor-creditor relationship with the debtor. Also include the amount and date of the loan, the amount of any repayments on the loan and the security, if any. Only name those loans now outstanding or paid off within the last 18 months:
23. List any security interest in any property granted by the debtor to secure any debts of any affiliate not covered in statements 20 and 21. List any security interest in any property granted by the affiliate to secure any debts of the debtor not covered in statements 21 and 22. Also include the collateral, the date and nature of the security interest, the name of the creditor to whom it was granted, and the current balance of the underlying debt:
24. List the name of any affiliate who is potentially a "responsible party" for unpaid taxes of the debtor under 26 U.S.C. §6672:

I verify that the above statements are true to the extent of my present knowledge and belief.

Applicant

	CONTINUED STATEMENT NO. 13. The applicant has read 11 U.S.C. §101(14) and §327, and FRBP 2014(a); and the applicant's firm has no connections with the debtor(s), creditors, any party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or any District of Oregon Bankruptcy Judge, except as follows:	
No.	Name	Explanation
1	Alaska Airlines	Labor/employment law representation/advice. Resolved - last services performed in 2012.
2	Cintas Corporation	Labor/employment law representation. Resolved - last services performed in 2005.
3	Dell	Labor/employment law representation. Resolved- last services performed in 2012.
4	Earthlink fdba Deltacom	Labor/employment law representation. Resolved - last services performed in 2009.
5	FedEx Freight	Labor/employment law representation. Resolved - last services performed in 2013.
6	ODR	Labor/employment law representation. Resolved - last services performed in 2015.
7	Regence	Labor/employment law representation. Resolved - last services performed in 2008.
8	Safety Kleen Systems	Labor/employment law representation. Resolved - last services performed in 2002.

**CONTINUATION OF
RULE 2014 VERIFIED STATEMENT**
Barran Liebman LLP
(Nelson D. Atkin, II)

No.	Name	Explanation
9	Umatilla County	Labor/employment law representation. Resolved- last services performed in 2015.
10	United Rentals	Labor/employment law representation. Resolved - last services performed in 2015.
11	Wells Fargo	Labor/employment law representation. Resolved - last services performed in 2007.

In re SeaPort Airlines, Inc.;
Chapter 11 Bankruptcy Case No. 16-30406-rld11

CERTIFICATE - TRUE COPY

DATE: April 13, 2016

DOCUMENT: APPLICATION FOR AUTHORITY TO EMPLOY PROFESSIONAL - Special
Counsel - Barran Liebman LLP (Nelson D. Atkin, II) and RULE 2014 VERIFIED
STATEMENT FOR PROPOSED PROFESSIONAL Barran Liebman LLP (Nelson
D. Atkin, II)

I hereby certify that I prepared the foregoing copy of the foregoing named document and have carefully compared the same with the original thereof and it is a correct copy therefrom and of the whole thereof.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing on:

SeaPort Airlines, Inc. Attn: Timothy Sieber 7505 NE Airport Way Portland, OR 97218	Franklin C. Adams POB 1028 Riverside, CA 92502-1028	Michael J. Edelman VEDDER PRICE 1633 Broadway, 47th Floor New York, New York 10019
Nelson D. Atkin, II Barran Liebman LLP 610 SW 2nd Ave., Ste. 2300 Portland, OR 97204	Mark J. Wolfson 100 N Tampa St #2700 Tampa, FL 33602	Tulare County Tax Collector Attn Jorge Garcia Deputy Tax Collector 221 S Mooney Blvd Rm 104-E Visalia, CA 93291-4593

by mailing a copy of the above-named document to each of them in a sealed envelope, addressed to each of them at his or her last known address. Said envelopes were deposited in the Post Office at Portland, Oregon, on the above date, postage prepaid.

I hereby certify that the foregoing was served on all CM/ECF participants through the Court's Case Management/Electronic Case File system on the date set forth below.

Dated: April 13, 2016

VANDEN BOS & CHAPMAN, LLP

By:/s/Robert J Vanden Bos
Robert J Vanden Bos, OSB #78100
Douglas R. Ricks, OSB #044026
Christopher N. Coyle, OSB #07350
Of Attorneys for Debtor-in-Possession